

Town of Nolensville
Board of Mayor and Aldermen Meeting
Date: May 3, 2007, Time 7:00 p.m.
Nolensville Elementary School

Mayor Beth Lothers opened the meeting at 7:02 p.m. Members present were Mayor Lothers, Aldermen Jimmy Alexander, Joe Curtsinger, Tommy Dugger, and Ken Thomas. Staff present: Counsel Robert Notestine, Town Planner Henry Laird, Codes Officer Don Swartz, and Recorder Cindy Lancaster. There were 31 citizens present.

Prayer and pledge was led by Brant Brandon with Greystone Baptist Church.

Citizens Input:

Mr. Alfred Bennett, Nolensville Road, noted he had a vision impairment and had limited sight. He stated that he thoroughly enjoys these meetings. He noted that we are going to have a beautiful city, further saying that beautiful people make a beautiful city. He asked that everyone should watch being critical. He then told a story with the final meaning to ignore “nit-pickers”.

Mr. Tom Seagram, 722 Cowan Drive, spoke on behalf of the Fire Department. He stated that he was not fully informed, but it appears there is one million dollars placed in the budget. He asked the board to consider giving the fire dept what they have requested. He further inquired if the town had in place an ordinance that does not allow door to door salespeople. He further stated that if the town does not have this in place to please review. Chief Rigsby stated the town does require a solicitation permit, although once this permit is obtained they are allowed to solicit door to door.

Ms. Lynda Moses 2230 Rock Springs Road, noted that an attorney named Rick VanAntwerp contacted her in regards to the ethics violation, not Mr. Rutherford. She stated that he told her that it was evident Alderman Curtsinger did violate the code of ethics. She asked if anyone cared how the media and black blog site obtained information. She noted that information becomes available to these groups although only the board has received a copy of particular information. She asked if it was ethical that the media obtains information and then it is distorted into an embarrassment for our town. She noted that before and during the election candidates spoke of a time for healing. She further said that she has never seen the animosity displayed against innocent people as currently is being demonstrated. She noted that there has always been a difference of opinion although there has not been retaliation because someone did not get their way. She asked when Alderman Curtsinger’s unethical stunts will end. She noted that it is a long time before the next election and we have a lot of serious work to do together. There is a better way and it is up to Nolensville citizens to make this happen.

Mayor Lothers noted the next agenda item before the board is the approval of the regular meeting minutes of March 1, 2007. She noted that these minutes were deferred last month in order for clarification. Transcripts were provided to the board to review. She asked if Alderman Curtsinger had anything to add due to the clarification request he had last month. Alderman Curtsinger referred to a letter that the Mayor had received that stated he did not want to serve on

the Historic Zoning Commission due to Rich Woodroof and the problems he was having. Alderman Curtsinger stated that the Mayor had said all of the committees and this was incorrect. Mayor Lothers stated that she said only one. Alderman Curtsinger stated the minutes said all of the committees and he wanted that corrected. Mayor Lothers stated that she did want to clarify that she received a letter from Alderman Curtsinger on January 9, after the BOMA meeting. She stated that in January, by acclamation Alderman Curtsinger was appointed to the Historic Zoning Commission. Mayor Lothers stated that after this vote, the letter was received where Alderman Curtsinger stated that he did not want to serve on the Historic Zoning Commission with Mr. Woodroof. Mr. Woodroof has never been the staff member that worked with the Historic Zoning Commission. Mr. Henry Laird works with this Commission. Mayor Lothers stated that she chose to be gracious in not bringing that to light publicly. She also pointed out in the February approved minutes she stated that Alderman Curtsinger had wished to not serve on the Historic Zoning Commission. At the March meeting we had to confirm this change by vote of acclamation. Mayor Lothers stated that she would agree on that one statement. Alderman Curtsinger stated that the April minutes did not reflect that statement. Mayor Lothers noted that a letter that is received as a personal communication is not a part of the minutes. It only becomes a part of the meeting minutes if it is discussed during the actual meeting.

Alderman Dugger made a motion to approve the minutes with the amendment to remove “all” the committees and to reflect the Historic Zoning Commission, Alderman Curtsinger seconded and this passed unanimously as amended.

Alderman Dugger made a motion to approve the regular meeting minutes of April 5, 2007, Alderman Alexander seconded. This was approved by majority, Alderman Alexander, Curtsinger, Dugger and Thomas for; Mayor Lothers abstained due to not being in attendance at this meeting.

Mayor Lothers made a motion to approve the treasurer’s report, Alderman Dugger seconded. Mayor Lothers noted that a treasurer’s report was submitted in writing. She noted that the town has contacted MTAS in regards to the treasurer’s report. The Mayor noted in order to have up to date, accurate data she requested permission to back this report up one month. It is difficult to complete the end of the month figures for a meeting that meets the first Thursday of the month. The time frame does not allow time for those numbers to be complete and up-to-date. The board will have ample time to review this report and submit questions in writing by the Monday prior to the meeting, to the Recorder. Sufficient time will be given so that those questions may be answered in detail. Alderman Alexander and Alderman Dugger agreed with this process. Mayor Lothers noted that once clarification is received from MTAS, this will be conveyed to the board. The vote was taken on the treasurer’s report and this was approved unanimously.

COMMITTEE REPORTS:

Chair Rick Owens reported for the Planning Commission.

- Site plan for A+ storage was approved
- Site plan for Mr. Ken Kelly’s property on Nolensville Road was approved with variances to be requested
- Recommendations were made to BOMA that will be heard tonight

Bob Crigger Commission Member reported for the Historic Commission.

- Billy Ozburn requested a sign be placed at the corner of Nolensville Road and New Clovercroft Road. The Cemetery Board has agreed to provide the sign.
- The expense to move the McCord home will be the Nolensville Historic Society's responsibility.
- Alderman Thomas reiterated that the home and land was donated to the Nolensville Historic Society.
- Lynda Moses stated that a 501c(3) was applied for by the Society. An estimate of approximately \$20,000 has been received in donations to move the structure. She noted that Mr. Ozburn is communicating with a surveyor about this project.

Fire Chief Presley Hughes reported for the Nolensville Volunteer Fire Department.

- Thanked the board for attending the March Annual Banquet
- In process of replacing radios to allow communication with any/all departments
- One firefighter joined, total of 30 is on the roster

Henry Laird reported for the Planning Department.

- Zoning amendment recommendations in regards to the Historic District Overlay
- Various recommendations will be presented to the BOMA in June
- Planning Commission will review an ordinance in regards to the definition of a structure

Police Chief Paul Rigsby reported for the Police Department.

- Written stats were distributed to the board

Mr. Bob Hayes reported for the Public Works Department.

- John Strasser has been hired full time
- Litter pick up is daily
- Dead animal pick up has increased with this becoming almost daily
- Mowing has begun
- Sign installation is ongoing

Mr. Hayes conveyed to the board if they had any concerns or suggestions to feel free to contact him or John.

Mayor Lothers noted that the county had reviewed the roads with public works. A list has been completed with the estimate of the road repair. Mayor Lothers thanked Mr. Hayes and John Strasser for their hard work. Mayor Lothers noted that John has received an EPSC certification from TDEC that will allow him to be trained with Florence & Hutcheson to inspect Erosion Control in regards to Rocky Fork Road realignment project. She noted that this will save the town approximately \$11,000.

Mayor Lothers reported for the Town Events Committee

- Permission to use the property behind Nolensville UMC has been obtained for the fireworks display
- This Committee is actively pursuing the recovery of the \$8,500

Mayor's Report:

a. TDOT Signalization Meeting

Mayor Lothers noted that the town must go through the proper process to obtain the signalization. She noted that she had met with TDOT. She noted that staff provided an aerial map to show the current and projected numbers for each development and provided a copy of the Transportation Infrastructure Study. This meeting was productive. The Transportation Infrastructure that has been done was given to TDOT.

b. Rocky Fork Road Realignment

Mayor Lothers noted that Mr. Don Swartz has been valuable in working on the Rocky Fork realignment and then turned the presentation over to Mr. Swartz. Mr. Swartz noted that the relocation of this road was driven by Williamson County. The County required Mr. Moon, developer of Silver Stream, to donate the right of way and engineering plans work and submit it to the town. This was done some time ago. He noted that lane assignments on Rocky Fork Road approaching Nolensville Road are of concern. He noted that left turn lanes will oppose each other on Rocky Fork and Clovercroft Road at the Nolensville Road intersection. For the new intersections to align correctly property owners are being approached to accommodate this request. He stated that there had not been soil analyses performed. The town had done this and sink holes have been found that need to be addressed. Mr. Swartz stated that the largest issue is the location of a 20" and 12" water main. He stated that these are located in private easements. Mr. Swartz said that these issues were "unknowns" and must be dealt with accordingly. He noted that this will need to be relocated with the town bearing the cost. He stated that Nolensville and the utility company will meet to address this issue. Mr. Swartz stated that the water company does not want this moved in the summer months, due to the large demand of water within these months. He noted that there has been some concern in regards to sewer, these concerns have been resolved and will be able to move forward. He stated that there is a 3" gas line that will need to be relocated. He stated that this has not been surveyed adequately enough to fully make complete determinations in regards to the gas lines. Mr. Swartz had a copy of the plans that he periodically referred to the board. Mr. Swartz stated that the largest concern at this end (demonstrated on the map) is establishing the removable pavement at Rocky Fork Road and Newsome Lane. The decision was made to remove the road bed. This will create a dead end at this east location in terms of access at the ball park. He noted that he felt this would create a bottle neck. He stated that the town is currently talking to the county to provide a drive at the east end. He noted that the school was introduced after these plans were submitted. He noted that the main issues at this point are the intersection lane assignments and widths, accessibility to the park and utility work required.

Alderman Alexander asked if these issues will escalate the cost. Mr. Swartz stated that the relocation of utilities as well as right of way purchase will require unanticipated funding. Alderman Alexander clarified that construction plans should identify easements. Mr. Swartz concurred with Alderman Alexander that the plans should identify. Mr. Swartz further noted that several engineers have worked on this plan. Alderman Alexander asked if the liability would lie on the person who presented these plans. Counsel Notestine stated that he was not sure. He noted that Williamson County is the entity that required this and he was not sure of the guidelines set by the county. He stated that he would need further information on specific data. Mayor Lothers stated that she felt the town was in a good position in regards to the financing of this project until these obstacles were revealed. She noted that a cost of approximately \$7,000 would be for Geo Tech survey, with inspections being approximately \$9,000. She stated that when crayfish were located this increased the contract to approximately \$16,000. This was approximately \$36,000 more that the town had anticipated. She further stated that if this board does not get some of these issues resolved it will be doing a disservice to the town. Alderman Thomas asked if it is known how the delays will affect the timeframe of the project as a whole. Mr. Swartz stated that initially it was hoped to have this project completed prior to the new school opening. Mr. Swartz stated that currently the utility company holds the key as to when the utility can be moved. He stated the bridge work can be done now in preparation for the utility work being done in the winter. He felt that the town would be looking at 90 days for the roadway construction period once utility relocation occurred.

Alderman Curtsinger asked if this could be done without acquisition of property. Mr. Swartz stated that he did not think it would operate the way the town had anticipated without the acquisition. Alderman Curtsinger stated that if we don't have those issues worked out, that will hold up the process. Mr. Swartz noted the signalization issue, also. Alderman Curtsinger noted that the school traffic may be an issue. Mayor Lothers stated that she had discussed this with Mr. Fortney with the Williamson County School system. She noted that since January and the calling of the special BOMA meeting to award the engineering management contract, everything has been handled in a timely manner. However, some of these issues require dialogue with the county, as well as the utility district and it will take some time to get these issues resolved. She reiterated that she needed direction from this board. Alderman Dugger stated that if we build a \$900,000 road, we want it to be done right. Alderman Curtsinger asked what were the town's intentions in regards to acquiring property. He asked if property would be condemned. Mayor Lothers indicated that every effort would be made to work out agreements with property owners with condemnation. Alderman Thomas stated that he would echo that we need to get the right of way easement instead of saying that one day it will work right. He noted that in regards to funding, he feels that this information is needed to make an informed decision. Mayor Lothers stated that we will get you some more concrete figures. Alderman Dugger stated that hopefully the utility district will work with the town on this issue. Alderman Alexander stated that it is important to make that connection onto Newsome Lane.

Mr. Rick Owens said it appears several issues do need to be resolved, although it needs to move forward and not stall out. He noted that a dead end was mentioned on Rocky Fork Road, and asked how traffic would be rerouted. Mr. Swartz stated that it is anticipated with the realignment, this would become a dead-end with Newsome Lane being extended south. He noted that Rocky Fork would dead end. He stated there are a couple of options with one being the driveway connection and another would be a property swap.

Alderman Curtsinger inquired about the traffic figures. Mr. Swartz stated that he did not think the county had provided a traffic count. Alderman Curtsinger stated that he did not think that we have the police manpower to handle this. He asked about the possibility of a temporary signal. Mr. Swartz stated that he has not heard of temporary signalization. Mayor Lothers noted that Bent Creek is a concern. She noted that the key would be to have patrol at Rocky Fork/Clovercroft/Nolensville Road. Mayor Lothers thanked the board for their time on this. She noted that discussion had been lengthy, but is an important issue to the town.

c. Impact Fee

Mayor Lothers noted that Duncan and Associates has completed their study. She asked Planner Laird to elaborate. He noted that they will assist in the administration of this fee. They are now finalizing this report and are hoping to get have this completed by the end of May or the beginning of June. He stated that the town will have some changes that will be coordinated with Duncan and Associates. Once this is completed it will be presented to the board in ordinance form. He noted that they are two to three weeks ahead of schedule due to the town pushing this project.

d. Other

Mayor Lothers stated that Mr. Kevin Fortney, with Williamson County Schools has begun the sidewalk. Beazer has agreed to complete the sidewalk from Ballenger Farms connecting it to the county sidewalk. This sidewalk will be from Ballenger Farms and connecting to the new school.

Reading of resolution #07-07, a resolution to amend resolution #06-15, a resolution of intent in regards to Flood Plain issues. Mayor Lothers noted that the previous resolution passed by this board had a typographical error that pertained to a different section. This is being corrected. Alderman Dugger made a motion to approve this resolution, Alderman Alexander seconded, and this passed unanimously.

Public hearing of ordinance #07-06 an ordinance to adopt a budget for the Town of Nolensville for fiscal year 2007-2008 opened at 8:06

Mayor Lothers asked that the budget subcommittee reconvene to consider some things within the budget. Additionally, she again thanked the members again for their hard work. Alderman Dugger noted that he felt that a meeting was scheduled to address the capital improvements budget. It was noted that this meeting could accommodate both issues. Mayor Lothers opened the floor for public comment.

Chief Presley Hughes addressed the board giving a brief history of the Nolensville Fire Department. He stated that the Nolensville Volunteer Fire Department is a non-profit 501c (3) organization. He noted the department has never been a part of city government or county government, noting this department works under a contract having a board of directors. He noted the Fire Department board is charged to establish a budget. The first annual payment received from the town was \$22,000. Chief Hughes continuously referred to percentages. He

noted that the Nolensville Volunteer Fire Department has purchased hundreds of thousands of dollars of equipment. He said the county told them years ago that they needed to start an account much like the rainy day account the town maintains. He noted they operate as a business. He stated it would be impossible for them to operate if they did not have this account. He noted that this department submitted a budget to the Town. He stated that Ms. Carla Ediger stated that because there was a surplus the requested amount was not given. He stated from 1996 to current date the department expenditures have exceeded revenues. He stated that last year their department had a budget surplus. He stated that this department has had \$300,000 deficit for several years. He noted that we must be pro-active. He stated that if someone calls with a problem we have to be ready. He noted that if they need our services they need it then. He stated that since 1996 to present, the towns given a total of 14.59% to the Fire Department, with the county being more than 44%. He stated that the Fire Department's board has had the foresight and had to get loans to conduct business. He noted that they are grateful for everyone's donations. The Town of Nolensville budget proposal will fund only 37% with 58% service. He noted that the town has had tremendous growth. He noted that one of your family members will need our service sometime. He stated that this department has an ISO rating of 5, which is an approximate 50% savings on insurance. He stated that the Nolensville Volunteer Fire Department does not have a vote for the town's budget. He noted that the Fire Department is the only section that returns to the citizens. The police department does not have a rating that affects insurance. The Fire Department does. The contract with the Town of Nolensville demands service from the Fire Department. The Fire Department takes this very seriously.

Mayor Lothers asked for clarification in regards to the town and its attempt to support the fire department with facilities tax money. She noted that \$250,000 for construction of the building and an annual payment of \$47,000 for pumper truck. She further noted that neither of these items will be owned by the town. She asked if the county paid the fire fighters.

Chief Hughes stated that the County does not provide salary. Mr. Butch Jenkins said that the county provides retirement which is approximately \$70,000 County wide. It was noted that it is approximately \$1,000 per member. Chief Hughes noted that salary is not a part of the fire departments budget. Chief Hughes asked that the town separate the pumper truck, so the town could make this payment. He stated that the county pays the fire department insurance. Additionally, the county makes a fuel cost adjustment and has done so for the past two years. He noted that the county realizes their cost rises also. Mayor Lothers asked if she could have a copy of Chief Hughes comments so that she can present them to the sub-committee.

Mr. Harold Shaffer noted that the county has been spending extra funding on the communications. Chief Hughes noted that the department moved and bought land in 1989 with intentions of constructing a building.

Mr. Duane Ediger noted that previously Chief Hughes stated this department operated in a deficit of \$300,000, do you have loans? Chief Hughes stated that yes, they had loans. Mr. Ediger inquired to how much they currently owed. Chief Hughes stated that he did not know that amount. Alderman Dugger noted that if you have loan, you have assets to offset. Alderman Dugger stated that Chief Hughes mentioned the short sight of the committee; he noted that this committee cut every department's budget. He stated that several budgets were cut more than \$3,000. Alderman Dugger stated that he had told Chief Hughes that he would review this, has

done so and may have a solution. Alderman Thomas stated that since the last review there has been some further data gathered and there may be a possible solution.

Public hearing closed at 8:37

Second reading of ordinance #07-01, an ordinance to amend the Zoning Ordinance 04-09, in regards to second and third floor residential units above commercial and office units. Mr. Henry Laird stated that if this ordinance needs to be more restrictive further investigation needs to be pursued on this issue.

Mayor Lothers made a motion to defer, Alderman Alexander seconded, and this was deferred unanimously.

Second reading of ordinance #07-03 an ordinance to amend the Municipal Code of the Town of Nolensville in regards to fee schedule. Alderman Dugger made a motion to approve this ordinance, Mayor Lothers seconded. Alderman Dugger stated that in working with Michael Blanks in regards to reviewing fees, Alderman Dugger made a motion to amend this ordinance by adding "Commercial" above "Values and Residential with Commercial" with a statement stating, "The most current edition of Building Valuation data published by the International Code Council (ICC)." Alderman Alexander seconded. The amendment passed unanimously.

Alderman Curtsinger asked for clarification in regards to previously saying that we had to go with what was currently adopted. Michael Blanks stated that as small as Nolensville is, he would like to see that the town stays with the 2003 Edition of the ICC. He noted that this ordinance has nothing to do with the adoption of the 2006 Edition. He stated that it is strictly the valuation data that is being adopted. Counsel Notestine noted that currently there is a flat dollar rate. He stated that this rate will change annually as the valuation sheet changes annually. Mr. Blanks stated that this will streamline the entire process. The vote was then taken on this ordinance as amended and passed unanimously.

Second reading of ordinance #07-04 an ordinance to amend the municipal code of the Town of Nolensville in regards to careless driving. Alderman Dugger made a motion to approve this ordinance, Alderman Alexander seconded. Alderman Curtsinger stated that he thinks the language in section 2, "private" is setting up some legal problems. Alderman Dugger stated that if the police see someone in the parking lot doing doughnuts, or going up on a curb the officer should be able to issue a ticket. Mayor Lothers stated that she witnessed a child almost get hit going into Sonic. Alderman Curtsinger stated that the property owner has a right to file a complaint. Alderman Alexander asked for a legal opinion. Counsel Notestine stated that he and Paul addressed this issue last month and the police have a duty whether it is private property or not. The vote was taken with Mayor Lothers, Aldermen Alexander, Dugger and Thomas for, Alderman Curtsinger opposed. This ordinance passed by majority.

Second reading of ordinance #07-05 an ordinance to amend the municipal code of the Town of Nolensville in regards to false alarms. Mayor Lothers made a motion to approve this ordinance, Alderman Dugger seconded. Alderman Dugger stated that this ordinance was amended last month and the new version is before the board. Mayor Lothers asked Alderman Curtsinger if he had any questions in regards to the amendment. Alderman Curtsinger asked if this has time

limits or is it spelled out within the ordinance. Chief Rigsby and Chief Hughes stated that they did not have a problem with the amendment. The vote was then taken and passed unanimously.

First reading of ordinance #07-07 an ordinance to amend the Zoning Ordinance 04-09 in regards to village area and lot requirements. Mr. Laird described this ordinance and conveyed the recommendation made by the Planning Commission. Mayor Lothers made a motion to approve this ordinance, Alderman Dugger seconded.

Mayor Lothers made a motion to amend by changing the 8,000 square feet to 4,000 square feet in regards to the Village area, Alderman Alexander seconded. Alderman Dugger inquired as to the Planning Commission recommendation. Mr. Laird stated that there were concerns, although nothing specific was recommended. Their comments were to do some investigation, but keep it moving. Alderman Alexander confirmed that the ordinance was reviewed, although this particular amendment was not. He noted the 8,000 figure was discussed in conjunction with the Historic District. Mr. Matt Happel stated that the Planning Commission did discuss any new building must be compatible with the adjacent structures. Alderman Thomas asked if it was correct by saying the amendment would make it more compatible. It was noted that statement was correct. Mr. Larry Gardner stated that he thinks it makes a difference with the fringe and that it has been discussed in the past.

There was extensive discussion on this ordinance and the size. It was noted that the only line added would be 4,000.

Mayor Lothers revised her motion to include the impervious ratio, Alderman Alexander seconded. Alderman Curtsinger stated that he felt this should go back to the Planning Commission and be reviewed by this group. Alderman Dugger stated that the Planning Commission extensively reviewed and discussed this ordinance and the only correction was the one figure. Mayor Lothers withdrew the amendment stating that this will go to the Planning Commission for review. By acclamation the board agreed to send this ordinance back to the Planning Commission for comments.

First reading of resolution #07-08, an ordinance to amend the Zoning Ordinance 04-09, in regards to flags. Mayor Lothers made a motion to approve this ordinance, Alderman Dugger seconded.

Mayor Lothers noted that she had made an error in not bringing this back to the BOMA for their review.

Mr. Alfred Bennett stated that during the incorporation, the concern of flags and banners was due to used car lots with flags. This is the reason this is being addressed.

Mayor Lothers stated that recently President Bush signed into law that a Homeowner Associations cannot limit the number of flags being flown. She noted that when there are visibility issues these are addressed within other parts of the ordinances. She stated that this recommendation is a common sense solution. She would like to ask this board to get in a practical mode. She stated that she had asked the Town Planner to come up with this solution.

Mr. Laird went over the proposed changes. He noted the definition would be separate. He went over the ordinance extensively.

Alderman Dugger asked for the Planning Commission vote. Mayor Lothers stated the vote was 5 to 3 against making any changes. Mayor Lothers noted that the Planning Commission's role is to make recommendations and this board has to decide whether to accept those recommendations or make changes. She noted that according to the Tennessee Code the legislative body has to make that ultimate decision. She stated they can override the Planning Commission, although they must ensure that the Planning Commission had an opportunity to review. She noted that she had met with Ron Darden with MTAS to make sure the town was following process. She noted that this will be first reading and there will be a public hearing.

Alderman Curtsinger stated that it may be unpopular, but that no change may be necessary. Mayor Lothers asked Alderman Curtsinger why he had changed his mind. She understood he had contacted the town recorder when this was originally discussed in regards to initiating a change in the flag ordinance. Alderman Curtsinger stated he did not contact the town recorder.

Alderman Dugger stated that the intent of the board is not being anti-patriotic, although this amendment will affect every commercial business up and down Nolensville Road. He stated that it currently discusses 50' and this does not address any footage. He stated that he felt the board should look at the total picture, not one incident.

Counsel Notestine stated that we tried to look at what a court would do and he felt that the proposed amendment could be won pretty easily. Counsel stated that the supremacy law says that lower jurisdiction cannot dictate to a higher jurisdiction.

Mayor Lothers stated that there are mechanisms that address visibility and other issues.

Alderman Alexander stated that he has received one phone call on this issue. Alderman Dugger suggested to erect a pole with a hoist and have it lit properly. He stated that it is not whether it is a flag or not, it is what we want a commercial building to look like within the Town of Nolensville. He stated that he was flexible, but thinks we need to come up with some standard. There are other towns that have limits.

Counsel Notestine stated that zoning is the power of government to promote the safety, health, and welfare, if the board passes something that promotes this it will normally agree.

Alderman Curtsinger stated that this has gone before the Planning Commission several times, and he doesn't think we can live by the threat of a lawsuit all the time. He stated that he thinks the town needs to live by what the Planning Commission recommends. Alderman Curtsinger stated that he did not feel this is the solution.

Mayor Lothers stated that when she campaigned door to door citizens inquired to what is the big deal with the flag issue? She stated that we have to have common sense and this is an example where we can be problem solvers. Alderman Thomas asked if we could look into this further to review some more control that would fit into the look of the town. Mayor Lothers asked Alderman Thomas if he would consider making an amendment. Alderman Thomas stated that if

the town had some quality control to find that common sense solution and to give some clear boundaries.

Alderman Alexander stated that he checked with Davidson County and they have a limit of every 25 feet. He stated the he did not like it and would prefer that the town stick with the current ordinance. Alderman Dugger said this business may put up 10 and another company come in and put up twenty. He asked where would it stop. Alderman Thomas stated that not only appearance but, quality should be taken into consideration.

Mayor Lothers stated that if you look at it esthetically, what makes 50 foot better than 25 foot. She stated that she is not here to assign motive, but how does this promote safety and welfare.

Alderman Alexander asked Mayor Lothers what was the compelling reason for the change? Mayor Lothers stated that she feels it puts the town in a compromising position, with the federal government's opinion and with the media. She stated that she will not get in front of a camera and defend this decision, especially with the more serious issues such as Rocky Fork Road.

Alderman Thomas made a motion to amend by adding, "That flags shall be hoisted on a permanent flag pole". To section 2 appendix B., Mayor Lothers seconded the amendment.

Counsel Notestine stated that it gets hard late at night to resolve some of these issues. He reminded the board that this is only first reading. Mayor Lothers noted that there will be a public hearing also. Alderman Curtsinger stated that we have been through this so many times, we need to vote on this and move on. Alderman Curtsinger called for the question.

Alderman Thomas asked if this should be deferred. Alderman Dugger noted that there was a call for the question. The board voted unanimously for calling of the question. The vote was taken on the amendment with Mayor Lothers and Alderman Thomas for, Aldermen Alexander, Curtsinger, and Dugger against.

Mayor Lothers made a motion to defer until next month, Alderman Thomas seconded. Alderman Curtsinger stated that it does not need to be deferred; it needs to be dealt with tonight. He stated that it has been before the Planning Commission and in workshops.

Mayor Lothers stated that she doesn't feel things are fruitful when it is emotional. Alderman Alexander asked if this was voted down could something different be brought back to the board.

The vote was taken on deferral with Mayor Lothers and Alderman Thomas for, Aldermen Alexander, Curtsinger, and Dugger against.

Mayor Lothers withdrew her original motion to approve, Alderman Thomas withdrew his second. Counsel Notestine noted that this was now off the agenda. Alderman Dugger asked what is the process. Counsel Notestine stated that it has gone before the Planning Commission and if the Mayor and/or another board member would like to bring this back to the Board of Mayor and Aldermen they could do so. Counsel stated that when the motion was withdrawn, there was no motion and not a second.

Reading of resolution #07-05, a resolution to revise fees for the Town of Nolensville as provided in ordinance 04-01, amended by 04-09, for the Town of Nolensville. Counsel Notestine made a clarification that this appears to be an amendment to an ordinance. He stated that it is not, it is amending a resolution. Alderman Dugger made a motion to approve this resolution, Alderman Alexander seconded, and this was approved unanimously.

Codes of Ethics Violation Report Woodroof – Alderman Curtsinger. Alderman Alexander stated that he did not see anything else that could be done other than accept this recommendation, Alderman Thomas seconded. This passed unanimously.

Codes of Ethics Violation Report Rigsby – Alderman Curtsinger

Mayor Lothers made a motion to approve the recommendation, Alderman Dugger seconded. Alderman Curtsinger stated that within this letter from Counsel Notestine, there is a hollow threat because the state does not deal with these complaints. He stated that the questions still had never been answered. He stated the only person that could have known anything about this, is Chief Rigsby. He admits that he went to town hall and within ear shot of other people. Alderman Curtsinger stated that was not very professional.

Alderman Dugger stated that number one the town needs to look at the ethics bill and put a time line within this document. He stated that it certainly needs to be a timeframe within reason, maybe a few days or a week. He stated that he did not feel someone should be allowed to file a complaint beyond six months or a year of an incident. Mayor Lothers stated that she felt a long period of time had lapsed from the origin. She stated that she does not totally agree with Alderman Curtsinger's interpretation of Counsel's letter. Alderman Curtsinger stated that the paragraph reads that "the time has come that we have to stop all of this stuff." He said that it should have been stopped long ago with Larry Felts. He stated that the fact that you did not hold "Larry Felts and Darrin Scheff to the same standard as you did to me, I think we have a problem with our Town Attorney and our Ethics Officer."

Mayor Lothers stated that there are so many large issues in Nolensville. She said lets do what is best for Nolensville, not just talk about doing work, let's do work.

Alderman Dugger stated that since Mr. Larry Felts was mentioned, Larry took his penalty graciously and moved on. He said whether he deserved it or not, he took it and went on.

Alderman Thomas stated that you must look at team dynamics one thing you look at is trust. He said that we need to trust. He stated that he looked forward to the day when the board can work together and do positive things. He said that we can move forward and get past this. He stated that he would like to see us move forward. Alderman Thomas said pointing fingers is not a good way to move forward. He said let's learn from the past and embrace the future.

The vote was taken with Mayor Lothers, Aldermen Alexander, Dugger, and Thomas for, Alderman Curtsinger against.

Alderman Dugger inquired about yard sales on commercial property and maybe this needs to be reviewed. He requested that the Planning Commission review and address this issue.

The meeting adjourned at 10:04 p.m.

Respectfully submitted,

Cindy Lancaster
Town Recorder

Approved,

Beth Lothers
Mayor